

DOA Registry

ODP 8-0484

File # 0017-6

MEMORANDUM FOR: General Counsel

THROUGH : Deputy Director for Administration
FROM : Clifford D. May
Director of Data Processing
SUBJECT : COMTEN User's Exchange

1. Action Requested: This memorandum requests that you approve the Office of Data Processing (ODP) entering into the attached formal agreement to join the COMTEN User's Exchange.

2. Background: ODP owns several pieces of COMTEN computer equipment. This equipment is a programmable terminal switching device, which allows us to switch an ODP user's terminal from one computer to another automatically, in response to keyboard commands from the user. In order to share unclassified technical information with other installations that use COMTEN equipment, ODP belongs to the Washington, D.C. area COMTEN User's Group. As explained in the attached agreement, the members of the COMTEN User's Group have established a software library to exchange programs for COMTEN equipment among themselves. The COMTEN Library is similar to the Federal Software Exchange Program sponsored by GSA, in which CIA currently participates. The terms of the agreement seem to protect Library users from any liability which might result from donating or receiving software.

3. Staff Position: My staff believes it would be in CIA's best interest to join the COMTEN User's Exchange to take advantage of software programs written by other organizations. We, in turn, are prepared to donate programs that ODP personnel have written, assuming the terms of the agreement provide CIA with appropriate protection from potential liability. We are anxious to expedite this approval in order to accept some software in which we have an immediate interest.

4. Recommendation: I recommend that you approve my signing the attached agreement on behalf of CIA to acknowledge our understanding and acceptance of the agreement.

STATINTL

Clifford D. May, Jr.

Att: a/s

CONCUR:

Signed: John F. Blake
Deputy Director for Administration

7 APR 19/8
Date

DO NOT CONCUR:

Deputy Director for Administration

Date

APPROVED:

General Counsel

Date

NOT APPROVED:

General Counsel

Date

Distribution:

Orig + 1 - adse (Orig. to be returned to ODP when signed)
1 - DDA (dwn)
1 - DD/P/ODP

CUE 3670 LIBRARY ORDER FORM
and
LIBRARY TERMS AND CONDITIONS

To: Members of the Washington, D. C. Area COMTEN User's Exchange
From: Gary Desler, Librarian
Subject: Library Distribution Terms and Conditions

In order to promote the objectives of the Washington, D. C. Area COMTEN User's Exchange by providing to members of the Exchange access to software and software related materials, the Library, composed of documentation and software files previously submitted or to be submitted to the Exchange in the future, is being made available to members of the Exchange on the following terms and conditions:

1. These materials are experimental in nature and are being made available on an "as is" basis, to be used at the user's risk and without any warranties whatsoever, either expressed or implied, attached thereto. In particular, there shall be no implied warranties of merchantability and fitness for a particular use. The author of these materials, and the author's employer, and the Washington D. C. Area COMTEN User's Exchange make no representation and give no warranty concerning possible infringement of any patent, copyright or other proprietary interest of any third party relating to these materials.

2. Neither the author nor the author's employer nor the Washington D. C. Area COMTEN User's Exchange shall incur any liability to any user for damages regardless of the form of action, for infringement of patent, copyright or other proprietary interest resulting from the use of these materials.

3. Neither the author nor the author's employer nor the Washington D. C. Area COMTEN User's Exchange is under any obligation in any way to update, maintain or correct these materials or to otherwise assist in their use.

4. Neither the author nor the author's employer nor the Washington D. C. Area COMTEN User's Exchange shall be liable for any loss of profits or for any claim against a user by any other party resulting from the use or misuse of these materials. In no event will the author or the author's employer or the Washington D. C. Area COMTEN User's Exchange be liable for consequential damages even if the author or the author's employer or the Washington D. C. Area COMTEN User's Exchange is informed of the possibility of such damages.

5. No copies of the Library or any files contained therein shall be distributed without including a copy of these terms and conditions as the first and last files. If for any reason any of these materials should be copied without including a copy of these terms and conditions, these terms and conditions shall still remain in effect.

6. These materials are solely for the use of owners or lessees of COMTEN equipment. No copies of these materials shall be distributed to those users who do not own or lease COMTEN equipment without the prior written permission of the owner of the materials.

7. Requests for the Library or any Library materials shall not be honored without an accompanying signed copy of these terms and conditions.

8. The above terms and conditions shall take precedence when said terms and conditions conflict with other terms or conditions otherwise imposed on Library materials.

As evidence of your understanding and acceptance of the foregoing term and conditions, kindly sign and date the attached copy of this letter and return it to the undersigned.

Gary Desler HFA-73
Tarklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20852

Understood and Accepted: _____

Title/Position: _____

Company: _____

Address: _____

City, State, and Zip: _____

Date: _____